APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/102,016	06/22/98	CHRISTIE	S	03384.0236-0

LM02/0609

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EXAMINER
BOAKYE, A

ART UNIT	PAPER NUMBER
2733	5

DATE MAILED: 06/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

☒ Responsive to communication(s) filed on _Jun 22, 1998_

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____3____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) _1-60_ _____ is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) _1, 6, 10, 13, 16, 19, 20, 25, 28, 31, 36, 40, 43, 46, 51, 55, and 58_ _____ is/are rejected.

☒ Claim(s) _2-5, 7-9, 11, 12, 14, 15, 17, 18, 21-24, 26, 27, 29, 30, 32-35, 37-39, 41, 42, 44, ι____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____4___

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Claim Rejections - 35 U.S.C. § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United
States before the invention thereof by the applicant for patent, or on an international application by another who
has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention
thereof by the applicant for patent.

2.   Claims 1, 6, 10, 40, 46, and 55 are rejected under 35 U.S.C. 102(e) as being anticipated

by Kelley (US Patent 5,999,965).

Regarding claims 1, 6, 10, 40, 46 and 55, kelley teaches an apparatus for receiving

treatments corresponding to a calling party's unsuccessful attempt to complete a communications

session, comprises a means for attempting to initiate a communication session(column 8, lines

50-52) from a calling party's communication device (block 214c , in figure 2A) to a called

party's communications device. Furthermore, Kelley teaches a means for receiving an indication

that the attempted communications session was not completed(column 19, lines 50-51). Kelley

further discloses receiving means using ACD server (242 , figure 2B) for receiving at the calling

party's communications device a message providing an indication of a treatment corresponding

to the attempted communications session(column 8, lines 50-52) .

Claim Rejections - 35 U.S.C. § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 16, 13, 19, 20, 25, 28, 31, 36, 43, 51, and 58 is rejected under 35 U.S.C. 103(a) as

being unpatentable over Roach, Jr(US Patent 6,018,577) in view of Kelley(US Patent 5,999,965).

Regarding claim 16, 25, 31, Roach teaches a system for receiving treatments

corresponding to a calling party's unsuccessful attempt to complete a communications session,

comprising a calling party's communication device(column 4, lines 36-37). Furthermore, Roach

discloses a called party's communication device(column 37-38). Roach further teaches a

network for interfacing using trunk (28 in figure 1) the calling party's communication device(

block 18 in figure 1) with the called party's communications device(block 20 in figure 20).

Roach also discloses a network for interfacing the calling party's communication device with the

called party's communications device as shown in figure 1. Roach again teaches a receiving

means for receiving at the calling party's communications devices a message as indicated in

figure 9B. Roach fails to teach communication session. Kelly teaches communication

session(column 7, lines 50-52). Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to incorporate Kelley's method into Roach's method.

The motivation would be to initiate connection through the network between an information

service provider in order to enhance quality of service.

Regarding claim 19, the combination of Roach and Kelley teaches the system wherein

the receiving means (block 204, figure 8 of Roach) includes means for obtaining message using

the address .

Regarding claims 13, 20, 28, 36, 43, 51, 58, the combination of Roach and Kelley

teaches the system wherein the receiving means includes means for receiving and address for

accessing the message in an alternate language(column 9, lines 5-19).

Allowable Subject Matter

5.   **Claims 2-5, 7-9, 11- 15, 17-18, 21-23, 26-27, 29-30, 32-35, 37-39, 41-42, 44-45, 47-50,**

52-54, 56-57 and 59-60 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

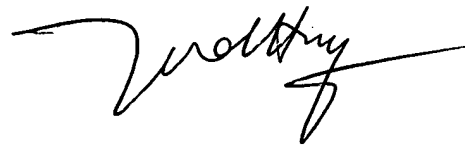6.   *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Alexander Boakye whose telephone number is **(703) 308-9554.** The
examiner can normally be reached on M-F from 7:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Jason Chan, can be reached on (703) 305- 4729.The **informal fax number** (Draft or
proposed Amendment) for this Group is (703) 308-6743 wherein the **formal fax number** for the

group is (703) 308- 9051. Any inquiry of a general nature or relating to the status of this
application or proceeding should be directed to the group receptionist whose telephone number is
(703) 305-3900.

A.Boakye
6/4/2000

HUY D. VU
PRIMARY EXAMINER